

level oversight at key project milestones or when significant variances (exceptions) occur. Based on the situation, they make decisions and provide direction that may change the project baseline including the expected outputs and outcomes. The program manager and staff also validate project results.

c. EERE Project Managers

Once a project is authorized by the program manager and staff, it is assigned to a project manager for implementation. The project manager carries out the project by defining the work, providing technical direction, ensuring satisfactory project progress and completion and reporting project information to the program manager and staff. This function entails working through a CO to obtain goods and/or services for the Government or to provide financial assistance to carry out a public purpose. The project manager works with the CO and COS to put in place contracts or financial assistance agreements that obligate the Government.

d. Acquisition/Procurement Officials.

Acquisition/procurement personnel play key roles in the acquisition and financial assistance processes. Their responsibilities are prescribed as follows.

Contracting Officer (CO). The CO has the primary authority for entering into, administering, and/or terminating contracts and financial assistance (grants and cooperative agreements) instruments, and for making related determinations and findings. Authority and designation procedures for COs are set forth in DOE Order 541.1A "Appointment of Contracting Officers and Contracting Officer's Representatives". It is the CO who has the specific authority to establish binding legal relationships that obligate DOE financially. The contracting officer is responsible for the business management and non-programmatic aspects of the financial assistance process. Detailed responsibilities of the CO can be found in the DOE Financial Assistance Guide for financial assistance actions and the Federal Acquisition Regulation (FAR), 1.602 for procurement actions. The CO, with the recommendation of the project manager, ultimately selects the method of procurement, type of contract or financial assistance instrument.

Contracting Officer's Representative (CORs). Many of the technical details for each contract or financial assistance award are delegated to CORs. CORs are delegated such actions as

technical monitoring, inspection, approval of technical documentation and reports, testing, engineering/research evaluation, and monitoring schedules and deliverables. A COR may delegate specific responsibilities to others within their own delegated authority (e.g., monitoring of individual tasks), but ultimate responsibility for such functions remains with the COR. The COR does not have authority to alter the scope, price, or terms and conditions of a contract. A COR may be assigned for financial assistance awards if required or the situations dictate. . In EERE's field offices, the COR is generally assigned from the cognizant project management office and performs the project manager and COR functions described above; in EERE's headquarters, however, the COR is usually part of the Business Administration group and manages the administrative COR duties in coordination with a Project Manager who handles technical oversight for a given award. CORs must meet requirements listed in DOE Order 541.1A "Appointment of Contracting Officers and Contracting Officer's Representatives" and the DOE Acquisition Guide, Chapter 1. Nominees are required to file a Confidential Financial Disclosure Report (SF-450) upon being nominated in accordance with DOE Order 541.1A, paragraph 4d.

Contract Specialist. During the procurement process, a contract specialist is usually assigned to assist the CO and the project manager. The contract specialist is knowledgeable about all Federal procurement and financial assistance clauses and requirements, and the rules and regulations regarding them. His/her primary duties are to aid in developing the procurement request and requirements package prior to the solicitation, assist in the negotiation process, and help prepare/issue contract execution documents, such as modifications.

e. Cautions

Only formally appointed Contracting Officers may commit the Government to a course of action, such as authorizing the commencement, continuation, or amendment of work or delivery of material. Improper actions by unauthorized individuals will only complicate and possibly delay the award of a procurement and may, in fact, preclude it. Such action could lead to embarrassment for all concerned as well as costly claims against the Government. Department personnel shall:

- Avoid situations that could adversely affect the integrity of the U.S. Government contracting process;

- Avoid contacts with industry representatives that would appear to favor one company / firm or representative, i.e.; interviews, tests, briefings, or product demonstrations;
- Avoid situations that could result in unauthorized commitments.

Unauthorized Commitments

All Federal employees need to understand the danger of an “unauthorized commitment”. From the Federal Acquisition Regulation, 1.602-3, “Ratification of Unauthorized Commitments”, in brief: An unauthorized commitment is an agreement that is not binding solely because the Government representative who made it lacked the authority to enter into that agreement on behalf of the Government. When an unauthorized individual directs a vendor to perform in the absence of an award document and obligated funding, he/she is committing the Government to an expenditure of funds without prior authorization. Such actions are referred to the cognizant Procurement Office, where a Contracting Officer reviews it for possible ratification (approval of an unauthorized commitment). In some cases, however, unauthorized commitments are not eligible for ratification, and the individual responsible for the unauthorized commitment can be held personally liable for the amount of the expenditure.

f. References:

DOE Order 541.1A “Appointment of Contracting Officers and Contracting Officer’s Representatives”, <http://www.directives.doe.gov/cgi-bin/explhcgi?qry1774099192;doe-279>

Federal Acquisition Regulation (FAR), 1.602, <http://www.arnet.gov/far/loadmainre.html>

DOE Acquisition Guide, Chapter 1: [http://professionals.pr.doe.gov/ma5/MA-5Web.nsf/WebAttachments/AG-Ch1RS/\\$File/AG-Ch1RS.htm](http://professionals.pr.doe.gov/ma5/MA-5Web.nsf/WebAttachments/AG-Ch1RS/$File/AG-Ch1RS.htm)

Acquisition Letter 2003-02, Contract Management Planning (Pages 16-17) [http://professionals.pr.doe.gov/ma5Web.nsf/WebAttachments/AL2003-02/\\$File/AL2003-02.pdf](http://professionals.pr.doe.gov/ma5Web.nsf/WebAttachments/AL2003-02/$File/AL2003-02.pdf)

DOE Acquisition System, A Guide for Executives. (Pages 7, 8, and 18) [http://professionals.pr.doe.gov/ma5/MA-5Web.nsf/WebAttachments/AcquisitionSystem/\\$File/AcquisitionSystem.pdf](http://professionals.pr.doe.gov/ma5/MA-5Web.nsf/WebAttachments/AcquisitionSystem/$File/AcquisitionSystem.pdf)

| EERE Roles and Responsibilities Matrix | | | | | |
|---|----------------------------|------------------------|----------------------------------|-------------------------|------------|
| Financial Assistance and Contracting | | | Financial Assistance only | Contracting only | |
| Topic or Issue | Contracting Officer | Program Manager | Project Manager/ COR | Project Manager | COR |
| Setting and changing project requirements | No | Yes | No | No | No |
| Defining acceptability of products or services | Yes | No | Yes | Yes | No |
| Determining method of evaluating proposals | Yes | No | Yes | Yes | No |
| Issuing the solicitation | Yes | No | Input | Input | Input |
| Interpreting the solicitation/contract | Yes | No | Input | Input | Input |
| Changing/modifying the solicitation/contract | Yes | No | Input | Input | Input |
| Managing the Technical COR Duties--Providing technical direction (within the scope of the contract) | No | Input | Yes | Yes | No |
| Managing the administrative COR Duties | No | No | Yes | No | Yes |
| Providing technical direction (outside the scope of the contract) | No | No | No | No | No |
| Awarding the contract/grant | Yes | No | No | No | No |
| Official correspondence regarding the contract/grant | Yes | No | Input | Input | Input |

